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Revitalizing the international legal protection of humanitarian aid workers in armed conflict / Francesco Seatzu

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Abstract:	<p>Contemporary armed conflicts have seen an increase in the number of humanitarian aid workers (HAW) being attacked. This is so notwithstanding these subjects have traditionally received international legal protection under the four Geneva Conventions of 1949 and the related Protocols I and II of 1977, and de facto immunity from attack by warring parties. This article analyses in detail how international humanitarian law (IHL) can be used to protect this category of currently highly vulnerable subjects to mitigate the direct and indirect consequences on them of (international and non-international) armed conflicts and of other public emergencies, together with its limits. With its historical origin and purpose of protecting persons not taking part in hostilities (persons hors de combat), IHL focuses on the protection of civilians suffering from the direct consequences of armed conflicts, such as injuries occurring from ongoing hostilities. In other words, the Geneva Conventions forbid combatants to attack persons hors de combat and require occupying forces to keep general order. However, IHL does not require warring parties to guarantee the safety of humanitarian aid workers (it does not require warring parties to supply security escorts, for instance, when other factions threaten the safety of non-combatants operating in their area) nor guarantee access of humanitarian aid workers to affected areas: governments or occupying forces may, if they wish, ban a relief agency from working in their area. The paper concludes with a proposal for reinforcing and complementing the protection of humanitarian aid workers during armed conflict situations, namely drafting future international agreements between humanitarian NGOs (to which the majority of HAWs belong) and belligerent parties in a way that is similar to the Statute of Forces Agreements (SOFAs), which deal in detail with the status, privilege and duties of the military and civilian employees.</p>
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